

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2010-6489
Issue No: 2025
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 15, 2009
Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on December 15, 2009, in Muskegon. Claimant personally appeared and testified under oath.

The department was represented by Sharon Dulek (FIM).

ISSUE

Did the department correctly compute claimant's medical mileage amount (at 18 cents per mile) for March and April 2008?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant resides in [REDACTED].
- (2) On [REDACTED], claimant's son was born in [REDACTED].

(3) For medical reasons, claimant drove to [REDACTED] on a regular basis to be with her newborn son.

(4) In [REDACTED], claimant drove 4,120 miles between [REDACTED] and [REDACTED].

(5) In [REDACTED], claimant drove 1,442 miles between [REDACTED] and [REDACTED].

The total [REDACTED] mileage is 5,562 miles.

(6) The medical mileage rate for March and April 2008 was 18 cents per mile.

PAM 825, page 9.

(7) In November 2008, claimant's caseworker erroneously sent claimant medical mileage forms which stated that the current medical mileage was .505 cents a mile.

(8) The department paid claimant medical mileage of \$741.60 for March and \$259.56 for April. Total medical payments for the combined months are \$1,001.16.

(9) Claimant thinks she is entitled to medical mileage at the rate of 50.5 cents per mile for her March and April miles for a total of \$2,808.81.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In March and April 2008, the medical mileage rate was 18 cents a mile. PAM 825, page 9.

The preponderance of the evidence in the record shows that the department gave claimant the correct allowances for her March and April 2008 medical mileage based on the policy in effect at the time. The Administrative Law Judge has no authority to increase the medical mileage rate for March and April 2008 to the medical mileage rate that was instituted in July 1, 2008.

The Administrative Law Judge agrees with claimant: it was very misleading and disturbing for claimant to receive, initially, from her caseworker, information stating that the medical mileage rate was 50.5 cents a mile. The correct mileage rate for March and April was 18 cents per mile.

Based on a careful review of the record in this matter, the DHS did not act in an arbitrary or capricious manner.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly computed claimant's medical mileage for March 2008 (\$741.60) and April 2008 (\$259.56).

Therefore, the department's actions are, hereby, AFFIRMED.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 1, 2010

Date Mailed: March 2, 2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JWS/tg

cc:

